

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DINAH CANADA, et al.,

Plaintiffs,

v.

MERACORD, LLC, et al.,

Defendants.

CASE NO. C12-5657 BHS

ORDER STRIKING MOTIONS  
TO DISMISS

This matter comes before the Court on Defendants Lloyd Ward & Associates, P.C., Lloyd Ward, P.C., The Lloyd Ward Group, P.C., Lloyd E. Ward, and Ward Holdings, Inc.'s ("Ward Defendants") motion to dismiss (Dkt. 31) and Defendants Meracord, LLC and Linda Remsberg's ("Meracord Defendants") motion to dismiss, compel arbitration, or stay litigation (Dkt. 34). The Court has considered the pleadings filed in support of the motions and the remainder of the file and hereby strikes the motions for the reasons stated herein.

## I. PROCEDURAL HISTORY

On July 24, 2012, Plaintiffs filed a class action complaint against Defendants. Dkt.

1.

On September 19, 2012, the Ward Defendants filed a motion to dismiss. Dkt. 31.

On September 24, 2012, 2012, the Meracord Defendants filed a motion to dismiss. Dkt.

34.

On October 9, 2012, the Court issued a stipulated order extending the deadline for an amended complaint to October, 29, 2012, (Dkt. 39), and Plaintiffs timely filed an amended complaint. Dkt. 41.

## II. DISCUSSION

Plaintiffs may file an amended pleading once as a matter of course 21 days after a responsive pleading. Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs met the Court's extension of that deadline. The Ward Defendants, however, contend that no possible amendment could cure the deficiencies in Plaintiffs' complaint. Dkt. 40. The Court would rather render a decision on the basis that allowed amendments *did* not cure potential deficiencies in the complaint. The Meracord Defendants argue that their original arguments apply with equal force to the amended complaint. Dkt. 46 at 7. Due process requires that Plaintiffs have an opportunity to address this argument. Therefore, the Court strikes both motions to dismiss.

**III. ORDER**

Therefore, it is hereby **ORDERED** that the Clerk is directed to strike both motions to dismiss (Dkts. 31 & 34).

Dated this 13th day of November, 2012.

A handwritten signature in black ink, appearing to read "Benjamin H. Settle", is written over a horizontal line.

BENJAMIN H. SETTLE  
United States District Judge